

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND SINCLAIR,

Defendant.

No. CR 10-00459 RS

STIPULATED REQUEST TO MODIFY
TERMS FOR SCHEDULE OF RESTITUTION
PAYMENTS TO SOCIAL SECURITY
ADMINISTRATION AND ~~PROPOSED~~
ORDER

The Office of the Federal Public Defender, the United States Attorney's Office, and the United States Probation Office, hereby stipulate, subject to this Court's approval, as follows:

1. On November 24, 2010, Raymond Sinclair pleaded guilty before this Court to theft of public money and making a false statement for use in determining a social security benefit. As part of his Judgment, Mr. Sinclair was sentenced to pay restitution of \$72,265.50 in monthly installments of \$25.00 to the Social Security Administration.

2. Mr. Sinclair has successfully completed the year-long Federal Reentry Court program.

3. Mr. Sinclair has enrolled in courses at City College of San Francisco, has maintained stable housing, and has complied with all terms of his probation.

4. Mr. Sinclair's restitution payments are withheld from his monthly SSI benefit of \$938.40. In August 2012, Social Security determined that the full amount of his monthly benefit, in the amount of \$938.40, be withheld to pay restitution. Mr. Sinclair is requesting that Social Security

Administration reconsider that decision and that they withhold \$438 per month. Based on a review of his finances and living situation, the parties agree that this amount reflects Mr. Sinclair's ability to pay. Under this proposal, Mr. Sinclair would receive \$500.40 per month to pay his rent (\$380) and his modest cost-of-living expenses (\$120.40).

5. The parties ask the Court to approve this modified schedule of payments as the appropriate level of payments for the restitution obligation.

DATED: August 13, 2012

/s/
DANIEL BLANK
Office of the Federal Public Defender

/s/ Cynthia Stier
CYNTHIA STIER
Assistant U.S. Attorney
Attorneys for the United States of America

/s/
JENNIFER JAMES
United States Probation Officer

For good cause shown, with the agreement and of the parties and United States Probation, and having assessed Mr. Sinclair's ability to pay, the Court modifies Mr. Sinclair's schedule of payments to provide for monthly payments of \$438 per month, which would allow Mr. Sinclair to receive \$500.40 each month from his total monthly SSI benefits of \$938.40.

Thus, the Schedule of Payments on page 5 of the judgment at ECF No. 42 is modified as follows:

C [x] Payment in monthly installments of \$438 per month over a period of years.

IT IS SO ORDERED.

DATED: 8/20/12


RICHARD SEEBORG
United States District Judge